



General Assembly

Substitute Bill No. 6773

January Session, 2005

* _____HB06773ET_____052305_____*

AN ACT CONCERNING CLEAN AIR STRATEGIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For purposes of this
2 section, "outdoor wood-burning furnace" means an accessory structure
3 or appliance designed to be located outside living space ordinarily
4 used for human habitation and designed to transfer or provide heat,
5 via liquid or other means, through the burning of wood or solid waste,
6 for heating spaces other than where such structure or appliance is
7 located, any other structure or appliance on the premises, or for
8 heating domestic, swimming pool, hot tub or jacuzzi water. "Outdoor
9 wood-burning furnace" does not include a fire pit, wood-fired
10 barbecue or chiminea.

11 (b) No person shall, from the effective date of this section to the
12 effective date of regulations promulgated by the United States
13 Environmental Protection Agency to regulate outdoor wood-burning
14 furnaces, construct, install, establish, modify, operate or use an
15 outdoor wood-burning furnace, unless (1) the outdoor wood-burning
16 furnace was constructed, installed, established, modified, operated or
17 in use prior to the effective date of this section, or (2) the outdoor
18 wood-burning furnace complies with the following:

19 (A) Installation of the outdoor wood-burning furnace is not less
20 than two hundred feet from the nearest residence not serviced by the

21 outdoor wood-burning furnace;

22 (B) Installation of the chimney of the outdoor wood-burning furnace
23 is at a height that is more than the height of the roof peaks of the
24 residences that are located within five hundred feet of the outdoor
25 wood-burning furnace, which residences are not serviced by the
26 outdoor wood-burning furnace, provided the chimney height is not
27 more than fifty-five feet;

28 (C) No other materials are burned in the outdoor wood-burning
29 furnace other than wood that has not been chemically treated; and

30 (D) Installation and operation of the outdoor wood-burning furnace
31 is in accordance with the manufacturer's written instructions, provided
32 such instructions do not conflict with the provisions of this section.

33 (c) The provisions of this section shall be enforced by the
34 Commissioner of Environmental Protection and may be enforced by
35 the municipality affected by the operation or potential operation of an
36 outdoor wood-burning furnace.

37 (d) Any person who operates an outdoor wood-burning furnace in
38 violation of this section shall be deemed to have committed an
39 infraction and shall be fined not more than ninety dollars. Each day of
40 operation of such outdoor wood-burning furnace in violation of this
41 section shall be a separate violation.

42 Sec. 2. Section 22a-174j of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective October 1, 2005*):

44 Not later than May 1, 2006, the Department of Public Utility Control
45 shall complete an investigation of the potential impact on electric
46 reliability and electric rates created by promulgation of the regulations
47 under this section. If such investigation concludes that there is no
48 negative impact on such reliability and rates, not later than [January 1,
49 1999] July 1, 2006, the Commissioner of Environmental Protection
50 shall, in conjunction with the Department of Public Utility Control and

51 by regulations adopted in accordance with chapter 54, establish
 52 uniform emissions performance standards [for electricity generation
 53 facilities supplying power] to regulate emissions to the air from the
 54 generation of electricity supplied to end use customers in this state.
 55 Such performance standards shall, to the greatest extent possible, be
 56 designed to improve air quality in this state and to further the
 57 attainment of the National Ambient Air Quality Standards
 58 promulgated by the United States Environmental Protection Agency.
 59 Such performance standards shall [be based on the fuel used for
 60 generation of electricity and shall apply to electric suppliers'
 61 generation facilities located in North America] apply to emissions
 62 caused by electricity generation in any location in North America used
 63 to supply end use customers in this state, shall limit emissions to levels
 64 consistent with those permitted from technically similar generators
 65 located in this state and shall limit the amount of air pollutants,
 66 including, but not limited to, nitrogen oxides, sulfur oxides [,] and
 67 carbon dioxide [, carbon monoxide and mercury,] emitted per
 68 megawatt hour of electricity produced. Such performance standards
 69 may provide for a program for purchase of offsetting reductions in
 70 emissions and trading of emission credits. [A performance standard
 71 established by the Department of Environmental Protection for an
 72 individual pollutant pursuant to this section shall go into effect when
 73 three of the states participating in the northeastern states' Ozone
 74 Transport Commission as of July 1, 1997, with a total population of not
 75 less than twenty-seven million at that time, have adopted such
 76 standard.]

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2005</i>	22a-174j

ET *Joint Favorable Subst.*